

District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Charleston

Date: 5/24/2012

Case Number 2:10-md-02187

Case Style: In Re: C. R. Bard, Inc. vs.

Type of hearing Status Conference

Before the honorable: 2513-Goodwin

Court Reporter Teresa Harvey

Courtroom Deputy Robin Clark

Attorney(s) for the Plaintiff or Government Bryan Aylstock, Henry Garrard and Fred Thompson

Attorney(s) for the Defendant(s) Barbara Binis, Robert Adams and Christy Jones

Law Clerk Kate Fife

Probation Officer

Trial Time

Non-Trial Time

Pretrial conference (including settlement and telephone conferences).

Court Time

1:05 pm to 2:25 pm

Total Court Time: 1 Hours 20 Minutes Non-Trial Time/Uncontested Time

Courtroom Notes

Scheduled start time 1:00 p.m.

Actual start time 1:05 p.m.

STATUS CONFERENCE

2:10-md-2187 In Re: C. R. Bard, Inc., Pelvic Repair Systems Products Liability Litigation

2:12-md-2325 In Re: American Medical Systems, Inc., Pelvic Repair System Product Liability Litigation

2:12-md-2326 In Re: Boston Scientific Corp. Pelvic Repair System Products Liability Litigation

2:12-md-2327 In Re: Ethicon, Inc. Pelvic Repair Systems Products Liability Litigation

Counsel for parties present

Coordinating Co-lead counsel for Plaintiffs - Bryan Aylstock, Henry Garrard, Fred Thompson

Henry Garrard will continue as lead counsel in C. R. Bard MDL 2187 and Derek Potts will join Mr. Garrard as co-lead counsel

Co-lead counsel for American Medical Systems MDL 2325 - Amy Eskin and Fidelma Fitzpatrick

Co-lead counsel for Boston Scientific MDL 2326 - Clayton Clark and Aimee Wagstaff

Co-lead counsel for Ethicon MDL 2327 - Renee Baggatt and Tom Cartmell

Plaintiffs executive committee: Bryan Aylstock, Henry Garrard, Fred Thompson, Tom Cartmell, Clayton Clark, Amy Eskin, Derek Potts and Aimee Wagstaff.

Plaintiffs Co-liaison counsel: Harry Bell, Paul Farrell and Carl Frankovitch

Lead counsel for American Medical Systems MDL 2325 - Barbara Binis

Lead counsel for Boston Scientific MDL 2326 - Robert Adams

Lead counsel for Ethicon MDL 2327 - Christy Jones

Defendants Liaison counsel: Michael Bonasso, David Thomas and Michael Farrell. Mark Williams continues as defendant liaison counsel in the Bard MDL.

Additional counsel present

Gary B. Blasingame, Pltfs counsel

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Norwood S. Wilner, Pltfs counsel
Bret Stanley, Pltfs counsel
Bret Clark, Pltfs counsel
Ryan Smith, Pltfs counsel
Daniel Hays, Pltfs counsel
Fred Ferrand, Defts counsel
Jason Proctor, Defts counsel
Phil Combs, Defts counsel
William F. Bottoms, Defts counsel
Erik W. Legg, Defts counsel
Tracy Weiss, Defts counsel
Regis Stafford, Defts counsel
Bryan Pfelger, Defts counsel
Ben Anderson, Defts counsel
Michael Hinkle, Defts counsel
James A. McKowen, Defts counsel
Willard Moody Jr., Defts counsel
Courtney Church, Defts counsel
Robert Adams, Counsel for Boston Scientific Corp
Bryan Pratt, Counsel for Boston Scientific Corp
Jon Strongman, Counsel for Boston Scientific Corp
Taylor Daly, Counsel for Bard
Debbie Moller, Counsel for Sofradim
Melissa Foster Bird, Counsel for Bard/Sofradim

AGENDA

MDL No. 2187

Scheduling Order for First Five Bellwether Cases.

MDL Nos. 2325, 2326, and 2327

Direct Filing Order.

Protective Order; the Protective Order entered in the Bard MDL will be the Protective Order that will be used.

Pltfs Master Complaints and Short Form Complaints.

Timing for Short Form Complaints and Responses to Pltfs Master Complaint.

Defendants Short Form Complaint Issues as to Insufficiency or Incompleteness.

Utilization of Interim Pltf Profile Information Form versus Defts proposal to utilize Pltfs Fact Sheet.

ESI Protocol.

Structure of future case management conferences.

Discussion of common discovery issues; the discovery stay will not be lifted at this time.

Parties working on overall Case Management Order pertaining to scheduling.

Motions to Dismiss.

Scheduling of next 4 status conference dates:

July 26, 2012 @ 1:00 p.m.

September 13, 2012 @ 1:00 p.m.

November 1, 2012 @ 1:00 p.m.

December 6, 2012 @ 1:00 p.m.

MDL No. 2325

AMS Request for Science Day; scheduled for July 26, 2012 @ 10:00 a.m.

Counsel for Boston Scientific Corp will be permitted to make a brief presentation at the September 13, 2012 status conference.

Organization of MDL cases.

Proper Parties and Motion to Dismiss Improper Parties.

Issues Relating to prior discovery in Ambroff and Boatman Morse Cases; motion dealing with Ambroff issue to be filed by t Pltfs within 14 days. Response by Defts due within 14 days of the filing of the motion.

ESI Protocol, coordination with State Court litigation.

Pltf and Deft Fact Sheets.

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Ex parte communication with treating physicians.

MDL 2326

Pending Motions to Dismiss.

Boston Scientific Corporations Request for Science Day.

Discussion of ESI Protocol, Pltf and Deft Fact Sheets, Coordination of Discovery with Massachusetts.

MDL 2327

ESI Protocol: coordination with New Jersey document production.

Pltf and Deft Fact Sheets

Coordination of discovery with ongoing New Jersey discovery.

Number of examiners.

Foreign depositions.

Continuation of or direct examinations in depositions already completed.

Length of depositions.

New Jersey order and appeal on expert witness retention.

End time 2:25 p.m.